

Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 23 November 2010  
 Planning Application Report of the Planning and Development Manager

<b>Application address:</b>			
Medway Photographic Ltd 21-25 St Marys Place SO14 3HY			
<b>Proposed development:</b>			
Change of use from retail (Class A1) to a church (Class D1).			
Application number	10/00948/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	21.09.2010	Ward	Bargate
Reason for Panel Referral	Departure from Development Plan	Ward Councillors	Cllr Bogle Cllr Damani Cllr Willacy

<b>Applicant:</b> Dr Emmanuel Itobi	<b>Agent:</b> N/A.
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<b>Recommendation Summary</b>	Conditionally approve
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including surrounding character, impact on amenity. Proximity to surrounding residential properties and nearby land uses have been considered and are not judged to have sufficient weight to justify a refusal of the application. Where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP4, SDP5, SDP10, SDP11, SDP13 and SDP16 of the City of Southampton Local Plan Review (March 2006) and CS3, CS13, CS19, and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

<b>Appendix attached</b>			
1	Development Plan Policies		

**Recommendation in Full**

Conditional approval.

## **1.0 The site and its context**

1.1 The site is located within St. Marys which is an area characterised by a wide ranging mix of uses including residential, retail and light industry. The unit in question is positioned opposite Hoglands Park and therefore does not front St. Mary Street itself.

1.2 The site is positioned within an area defined by MSA12 (iv) which is identified by land bounded by Kingsland Square, St. Mary's Place, St. Mary's Street and 53 St. Mary's Street and permit's retail (A1) offices (B1 and A2) and residential (C3). Public pay and display car parking is close by.

1.3 The site itself contains a single storey industrial scale building with asymmetric roof enable an internal mezzanine floor. There is a very limited cartilage to the building.

1.4 Immediately to the north of the site the neighbouring building is two storeys and is used as a gym. To the south is a private footpath leading from St. Mary's Place to St. Mary's Street, adjacent to the private footpath is another industrial scale building containing an electrical wholesaler.

## **2.0 Proposal**

2.1 The proposal would see a change of use from A1 (Retail) to D1 (church). The proposal for D1 use (in particular a church to serve the Redeemed Christian Church of God) would be contrary to; and therefore is considered to be a departure from, Local Plan Policy MSA 12 (iv).

2.2 The applicant would not be introducing additional onsite car parking and refuse storage shall be contained within the site boundaries. The scheme also includes provision of additional cycle storage facilities.

2.3 Internal alterations to the building are proposed. The result will provide the church with a congregational space for a maximum of 180 persons over two floors, a bookshop, kitchen, children's room, prayer room, plant room, administration space and pastor's office.

2.4 The book shop and kitchen will both be ancillary uses to the main use of the building as a church. The kitchen facilities are proposed to be used for teas and coffees only.

2.5 The proposed hours of service for the church are as follows:

- Sundays 09.00 – 12.30
- Monday 19.30 – 20.30
- Thursdays 19.30 – 21.30

2.6 The church also intends to open outside of these hours for general meetings and discussions with members of the public. There is also the possibility of allowing the premises to be open for private hire by other groups of similar interest for example charitable causes, committee meetings, etc.

2.6 The church services themselves include sermons and songs of praise. In association with the services amplified equipment is used including microphones and musical instruments.

### **3.0 Relevant Planning Policy**

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

### **4.0 Relevant Planning History**

4.1 The building in question is currently vacant and its most recent use was as a photographic studio under use class A1 (Retail).

### **5.0 Consultation Responses and Notification Representations**

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement which included details of the applications departure from the Local Plan (07/10/2010) and erecting a site notice (07/10/2010). At the time of writing the report no representations have been received from surrounding residents.

5.2 **SCC Highways** - The vehicular parking surrounding the site is acceptable and the site is located close to the city centre transport hub. The proposed development is not dissimilar to the existing church operation at Bellevue Road and there will be no additional pressure placed on the public transport network in the short term.

5.3 **SCC Environmental Health (Pollution & Safety)** – The development should only be permitted once a noise report has been submitted which proves that the impact of the proposal can be adequately mitigated and accordingly harm to neighbouring uses can be avoided.

5.4 **SCC Environmental Health (Food Safety)** - No objection in principal. In particular the scale of the cooking proposed on the site is accepted and separate legislation can be used to control the development should the applicant choose to intensify the cooking activity on the site in the future.

5.5 **SCC Planning Policy** - Policy sets out that a change to D1 use is not normally permitted however the site is a secondary frontage, which suggests that a more flexible approach can be taken. The assessment should take into account:

- Availability of other suitable premises within the area defined by Policy MSA12 (iii) which does permit D1 (community) uses.
- Loss of light retail/commercial floor space needs to be justified.

5.6 **Rights of Way** – There is no record of any public rights of way over the site.

### **6.0 Planning Consideration Key Issues**

6.1 The key issues for consideration in the determination of this planning application are:

- Principal of the change of use;
- The impact on the character and amenity of the surrounding area;
- The impact on the highways network.

## 6.2 Principle of Development

6.2.1 Policy MSA12 sets out that the change to D1 use is not permitted, however, the site is not on the frontage of St. Mary's Street and as such it is considered appropriate to take a flexible approach provided that a number of points are taken into account.

6.2.2 The applicant states that the building has been vacant for approximately two years as confirmed by the estate agents who represent the land owner.

6.2.3 The applicant has been looking for a suitable premises in and around the Southampton area, including sites defined by Policy MSA12 (iii) for the past twelve months. NB Policy MSA12 (iii) is defined by Ascupart Street, Golden Grove, Clifford Street and St. Marys Street. As a result of the research 21-25 St. Marys Place is considered the most appropriate location for the church.

6.2.4 Owing to the length of time which the site has been vacant and the lack of available/suitable premises for the church within the MSA12 (iii) area, the principle of the change of use of the premises from A1 to D1 is considered acceptable. In particular it is important to appreciate the intended community use of the proposal and the regeneration the use shall bring to the building and wider area. Activity to the currently vacant property shall revitalise the site and contribute to the rejuvenation of the St. Mary's Area.

## 6.3 The impact on the character and amenity of the surrounding area

6.3.1 The Church currently hold services and meetings at the Edmund Kell Worship Centre, Bellevue Road, Southampton and are moving for logistical reasons and to enable a larger congregation to worship together.

6.3.2 The proposal is unlikely to negatively impact the character of the area. On the contrary, the proposal would bring vacant premises back into use.

6.3.3 As the proposal would introduce noise associated with songs of praise and sermons proximity to neighbouring residential properties is an important consideration. To the rear of the site 54 - 56 St. Mary's Street there are residential properties which shall need to be protected from disturbance. Furthermore there are also unimplemented residential planning permissions at 54 – 56 St. Marys Street.

6.3.4 In order to support the proposal the Pollution and Safety Team have suggested that a noise report is produced to indicate how noise disturbance will be mitigated and the Church have agreed to arrange for a noise report under a planning condition.

6.3.5 Notwithstanding the production of a noise report or the proposed hours of service it is recommended that the hours of operation permitted should be flexible and as such a wide range of operational hours are suggested (08.00 – 21.30 seven days per week).

## 6.4 The impact on the highways network.

6.4.1 Whilst compiling information to support the proposal the applicant has provided transportation information relating to the existing congregation along with details of public transport services and public parking areas which serve 21-25 St. Marys Place.

6.4.2 The proposed church is 0.6miles from the existing place of worship and it is therefore considered unlikely that any of the congregation will alter their transportation arrangements used to arrive and depart from the site.

6.4.3 Being located close to the city centre bus stations (approximately 0.3m across Hoglands and Houndwell Park) the site is easily accessible for members of the public proposing to arrive by public transport.

6.4.4 The proposed hours of service will be outside of traditional working hours and therefore it is likely that the surrounding pay and display car parking areas will be available for use by members of the congregation who do not live within St. Marys and who do not choose to travel by public transport.

6.4.5 Of the 65 attendees surveyed on the 10<sup>th</sup> October 2010, 72% live within the St Marys/central Area (SO14) and 20% from the Shirley/Freemantle/Banister Park area (SO15), which clearly shows the close proximity of the church to the majority of its congregation. It is however also noted that 10% came from other parts of Hampshire including Salisbury, Winchester and Warsash.

6.4.6 The highways network is expected to be able to cope with the potential growth of the congregation.

## 7.0 Summary.

7.1 It is noteworthy that Policy MSA12 requires development within the St. Mary's area to sustain and enhance the existing close-knit urban character of the area.

7.2 Policy SDP1 states that development should only be supported where it does not unacceptably affect the amenity of the city and its citizens.

7.3 Noise generating development should not be permitted where it would cause unacceptable noise impact on noise sensitive uses (Policy SDP16).

7.4 It should also be noted that should the cooking use intensify in the future (requiring additional cooking and preparation of food) separate legislation, administered by Environmental Health Officers (Food Safety), would be able to control the use.

## 8.0 Conclusion

8.1 After spending at least one year searching for suitable premises the Church has identified 21-25 St. Marys Place as the most suitable building for their purposes.

8.2 The site lends itself to Church use due to its close proximity with its congregation and current Bellevue Road address.

8.3 Although the development is contrary to policy the proposed use of the site, given the length of its vacancy and the community facility the proposal provides, it is considered acceptable provided that adequate mitigation measures can be employed to prevent harm to neighbouring residential properties.

**Local Government (Access to Information) Act 1985**  
**Documents used in the preparation of this report Background Papers**

1(a), 1(b), 1(c), 1(d), 2(c), 2(e), 4(an), 6(c), 1(a), 7(x), 9(a), 9(b).

**MP3 for 23/11/2010 PROW Panel**

**PLANNING CONDITIONS**

**01. APPROVAL CONDITION - Full Permission Timing Condition - physical works**

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted (as amended).

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990.

**02. APPROVAL CONDITION - Approved Plans [performance condition]**

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

**03. APPROVAL CONDITION, Hours of Operation [performance condition]**

Unless otherwise agreed in writing by the Local Planning Authority all services associated with the D1 use shall not take place outside the hours 08:00 (8 am) and 21:30 (9.30 pm) daily.

REASON

In the interests of the amenities of the neighbouring residential occupiers.

**04. APPROVAL CONDITION, Transport Management Plan [performance condition]**

Prior to the occupation of the development a transport management plan, to include details of public transport which serves the site, options for car sharing, mini bus collection services and public car parking facilities and to be provided for the use of the congregation, shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the transport management plan shall be implemented in accordance with the approved details in perpetuity.

REASON

To prevent congestion on the highway, to reduce the need for private travel and to achieve contribute to the objectives of sustainability.

05. APPROVAL CONDITION, No other windows or doors other than approved in specific location [Performance Condition]

Unless the Local Planning Authority agree otherwise in writing and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) in relation to the development hereby permitted no windows, doors or other openings shall be constructed in the Eastern (rear) elevation.

Reason:

To protect the amenity and privacy of the adjacent property.

06. APPROVAL CONDITION, Refuse & Recycling [Pre-Occupation Condition]

The hereby approved refuse storage layout shall be laid out in accordance with the approved plans prior to the occupation of the hereby approved scheme. Such facilities as approved shall be permanently retained for that purpose.

Reason:

In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties.

07. APPROVAL CONDITION, Cycle Storage Facilities [Pre-Occupation Condition]

The approved cycle storage facilities shall be constructed in accordance with the approved plans prior to first occupation. Such facilities as approved shall be permanently retained for that purpose.

Reason:

To encourage cycling as an alternative form of transport.

08. APPROVAL CONDITION, Acoustic Report [Pre Occupation Condition]

Before the use commences the developer shall commission an acoustic report by a competent acoustic consultant for approval in writing by the Local Planning Authority. This shall assess noise levels typically created during church services, including the use of sound amplification equipment and musical instruments. It shall also assess the acoustic envelope of 21-25 St Marys Place and make recommendations as to how that envelope might be improved to ensure that no unreasonable noise disturbance occurs to occupiers of adjoining properties when 21-25 St Marys Place is in use, having regard to prevailing background noise levels close to 21-25 St Marys Place. Once approved, any recommended noise mitigation measures set out in the acoustic report shall be fully implemented prior to the first use of 21-25 St Marys Place as a church. Once approved, those mitigating measures shall be employed at all times thereafter.

Reason:

To protect the amenities of the occupiers of existing nearby properties.

09. APPROVAL CONDITION, Sustainable measures [Pre-Commencement Condition]

No development shall take place until the applicant has provided to the Local Planning Authority for approval in writing a report assessing the feasibility of incorporating the following sustainable design measures into the development:

Energy minimisation and renewable energy or low carbon technologies

- Water efficiency measures
- Urban Drainage Systems
- Waste management and recycling
- Sustainable construction materials

The report shall include an action plan detailing how these measures will be integrated into the development. The approved scheme shall then be provided in accordance with these details prior to the first occupation of the development hereby granted consent.

REASON:

To ensure the development minimises overall demand for resources and is compliant with the City of Southampton Core Strategy Development Plan Document (January 2010) policy CS20 and the City of Southampton Local Plan (March 2006) policies SDP13 and SDP6.

10. APPROVAL CONDITION, Use restriction [Performance Condition]

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no other use within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) shall be instituted without the further written planning permission of the Local Planning Authority.

REASON:

To enable the Local Planning Authority to control the specific use of the property, having regard to the wide range of land use and transportation implications of alternative uses within Class D1, so as to protect the amenities of occupiers of adjoining properties and users of the surround public highway network.

Note to Applicant

Use of kitchen: The applicant is reminded that all proposed kitchen facilities should only be used in accordance with the details submitted in relation to the planning application referenced 10/00948/FUL and should the use be expanded to more than the preparation of teas and coffees it should be noted that separate legislation will be used to control the development. Should the applicant choose to intensify the use of the kitchen on the site in the future they are advised to contact the City Council's Environmental Health Team (Food Safety) in that respect.



**POLICY CONTEXT**

Core Strategy - (January 2010)

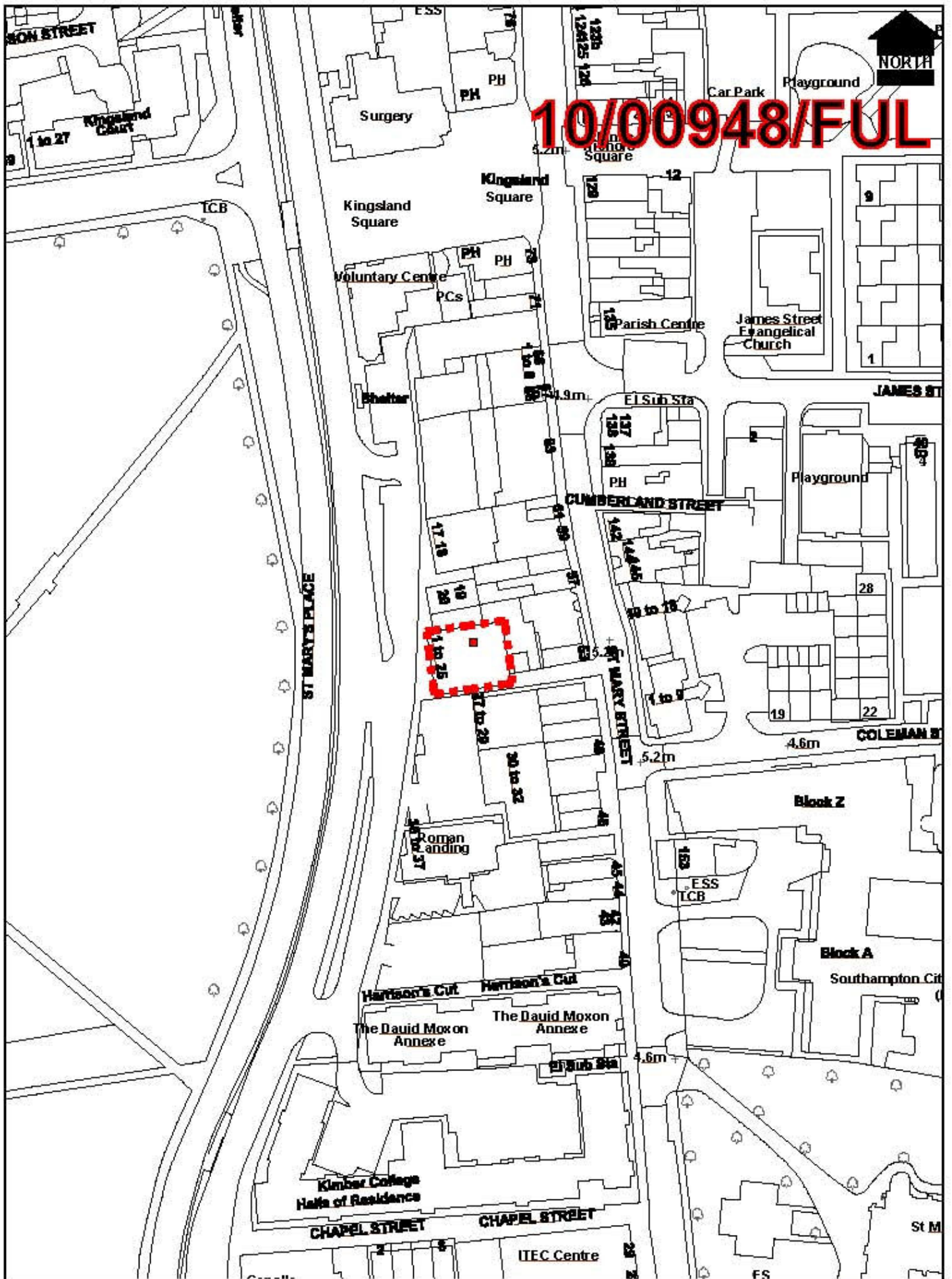
CS3	Promoting Successful Places
CS13	Fundamentals of Design
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP13	Resource Conservation
SDP16	Noise
MSA1	City Centre Design
MSA12	St Mary's area

Other Relevant Guidance

PPS1	Delivering Sustainable Development (February 2005)
PPS4	Planning for Sustainable Growth
PPG24	Planning and Noise (October 1994)



Scale : 1:1250

Date 11 November 2010

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